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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,621	06/15/2000	James M. Souza	00PAT16	9666
7590		11/20/2003	EXAMINER	
Ronald B Sefrna		BOYD, JENNIFER A		
Sefrna & Associates		ART UNIT		
505 South Bois D'Arc		PAPER NUMBER		
P O Box 567		1771		
Tyler, TX 75710		DATE MAILED: 11/20/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,621

Applicant(s)

SOUZA ET AL.

Examiner

Jennifer A Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 - 20 is/are allowed.
- 6) ☒ Claim(s) 1,3,21 and 25 is/are rejected.
- 7) ☒ Claim(s) 2, 4 - 11, 22 - 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Applicant's Remarks, filed August 14, 2003, has been entered and have been carefully considered. No amendments have been made and claims 1 – 25 are pending. The Examiner maintains the previous rejections as found in the previous Office Action dated May 16, 2003. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 3, 21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zweben et al. (US 4,888,247). The details of the rejection can be found in paragraph 3 of the previous Office Action dated May 16, 2003. The rejection is maintained.

Response to Arguments

4. Applicant's arguments filed August 14, 2003 have been fully considered but they are not persuasive.
5. In response to Applicant's Arguments concerning that the Zweben patent includes no disclosure suggesting magnetically detectability, the Examiner respectfully argues the contrary. Zweben teaches that a metal or metal alloy layer may be used in the laminated heat conducting device. Zweben teaches that the metal or metal alloy may be in the form of a sheet, film or foil. The metal sheets, films or foils used in the laminate generally include aluminum, copper, silver,

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nickel, titanium, iron, gold, tin, beryllium, magnesium, lead and various alloys, such as iron-nickel, iron-nickel-cobalt and the like (column 5, lines 63 – 68 and column 6, lines 1 – 19). In the Applicant's Specification, "magnetically detectable material" comprises a ferrous or ferrous-base metal which is affected by magnetic fields and thus detectable by a conventional magnetic detection instrument used for pipeline inspection (page 8, lines 5 – 10). It is the position of the Examiner that the embodiment of Zweben comprising an iron-nickel metal sheet, film or foil in the composite would inherently meet the Applicant's requirements for a "magnetically detectable material". According to Merriam Webster's Dictionary, a ferrous material is a material containing iron. Therefore, Zweben meets the Applicant's requirements of a ferrous metal. The Applicant states that Zweben does not disclose that the ferrous iron-nickel metal, sheet, film or foil is magnetically detectable meaning affected by magnetic fields. The Examiner wishes to bring to the attention of the Applicant a patent to Rowley (US 6,456,053), which is directed to a metal detector for finding wall studs. Rowley notes that the apparatus is used for finding wall studs and other items containing ferrous components (column 1, lines 10 – 15). Rowley notes that prior art teaches that magnets may be used to detect hidden objects containing iron or nickel metal components (column 1, lines 15 – 20). Therefore, Rowley states that it is known in the art that components containing iron or nickel are inherently magnetically detectable. Using this reasoning, the Examiner relates this knowledge to the Zweben patent to justify that the iron-nickel metal sheet, film or foil of Zweben would be magnetically detectable. Although, Zweben does not positively recite such a property, it does not mean that the property is not inherent, only that it is not a concern of Zweben.

6. In response to Applicant's Arguments concerning that the use of iron in the composite is not a favored embodiment and Zweben teaches away from such an embodiment, the Examiner respectfully argues the contrary. Zweben does positively teach the use of an iron-nickel or iron-nickel cobalt metal sheet, film or foil for use in the composite (column 6, lines 8 – 19). Although, the majority of the metals suggested for use in the composite would not be considered "magnetically detectable", the embodiment concerning the use of iron-nickel and iron-nickel cobalt sheets, films or foils is considered to be magnetically detectable.

7. In response to Applicant's Argument that the Zweben reference would not be considered to be equivalent to a disclosure of the use of a magnetically detectable ply in a structural reinforcement device for the purpose of magnetic detectability, the Examiner argues the contrary. It is the position of the Examiner that Applicant's Arguments with respect to the Zweben reference as being nonanalogous art is irrelevant since the prior art meets the structural and/or chemical limitations set forth and there is nothing on record to evidence that the prior art product could not function in the desired capacity. The burden is shifted upon the Applicant to evidence the contrary.

8. As to Applicant's Arguments that the inclusion of iron in a composite would not necessarily result in composite being able to be magnetically detected, the Examiner argues the contrary. In claims 1 and 21, the Applicant requires that *a ply or magnetic detection means* is magnetically detectable but does not require that the *composite* is magnetically detectable. While the inclusion of small amounts of a magnetically detectable material in a composite may not result in being magnetically detectable, the Applicant only requires that the individual component is magnetically detectable (i.e. when separate and not integrated into the composite).

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If the Applicant requires that the entire composite is magnetically detectable due to a large presence of a magnetically detectable material, the Applicant should revise the claim language.

9. As to Applicant's Arguments that the claim limitations require that the detectable material in claim 25 is the outer layer or ply comprising the structure, the Examiner respectfully argues the contrary. Claim 25 requires that a ply of magnetically detectable material is bonded to at least one of the faces of the body. Claim 25 does not require that the magnetically detectable layer is an *outer face*, only that it is bonded to one face of the body. Therefore, the inclusion of additional layers are not precluded from the claim language and the enclosure of the metallic component between resin layers as taught by Zweben would be encompassed by the claim language.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

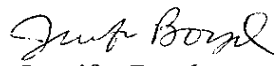
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jennifer Boyd
November 10, 2003


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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